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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,210	10/24/2005	Denis Paquette	6461-04	8260
58388 7590 08/03/2009 GOWAN INTELLECTUAL PROPERTY 1075 NORTH SERVICE ROAD WEST SUITE 203 OAKVILLE, ON L6M-2G2 CANADA			EXAMINER BRADFORD, CANDACE L	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 08/03/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,210

Applicant(s)

PAQUETTE, DENIS

Examiner

CANDACE L. BRADFORD

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses a safety restraint device 28, comprising a base rod 25, having attachment devices for temporarily affixing said base rod to a frame member; one or more releasable mounting devices 28, for receiving and attaching at least one of a variety of accessories to said base rod, and optionally, at least one accessory 19, for attachment to said releasable mounting device.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses a safety restraint device as claimed in Claim 1 wherein said accessory 19, is one or more removable, interchangeable devices which can be added or removed from the releasable mounting device 28.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses a safety restraint device as claimed in Claim 1 wherein said accessory 19, comprises a winch assembly having a winch 37, a static line 11, operatively connected to the winch; and a mounting attachment for attaching said winch accessory to said releasable mounting device.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses a safety restraint device as claimed in Claim 3 wherein said winch comprises a locking mechanism 49, so that the static line 11, can be drawn tight using said winch 37, and maintained in a tightened condition, as best seen in Figure 1.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses a safety restraint device as claimed in Claim 4 wherein said locking mechanism 49, is a ratchet assembly, as best seen in Figure 2.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses a safety restraint device as claimed in Claim 1 comprising two releasable mounting devices 28,22 for receiving and attaching at least one of a variety of accessories 19, to said base rod 25.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses a safety restraint device as claimed in Claim 1 wherein said accessory is a winch assembly 37, a ladder, a light, a sign, a radio, a handrail, a platform, or a suspended platform.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses a safety restraint device as claimed in Claim 1 wherein said accessory is attached to said releasable mounting device using a lock pin 49.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses an accessory for use with a safety restraint device as

claimed in Claim 1 comprising a winch assembly 37, a ladder, a light, a sign, a radio, a handrail, a platform, or a suspended platform.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (6036146). Paterson discloses an accessory as claimed in Claim 12 comprising a winch assembly, having a winch 37, a static line 11, operatively connected to said winch, and having a mounting attachment for attaching said accessory to said safety restraint device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paterson (6036146). Paterson fails to disclose A safety restraint device as claimed in Claim 2 wherein said accessory comprises 2 or 3 winch assemblies. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. Bemis Co.*, 193 USPQ 8.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paterson (6036146). Paterson fails to disclose a safety restraint device as claimed in Claim 1 wherein said attachment devices are two C-shaped or V-shaped attachment brackets. It has been held that mere duplication and of the essential working parts of a

device involves only routine skill in the art. *St. Regis Paper Co. Bemis Co.*, 193 USPQ

8. It is further obvious that the shape of the attachment device is strictly design choice and based from the type of accessory that is being restrained.

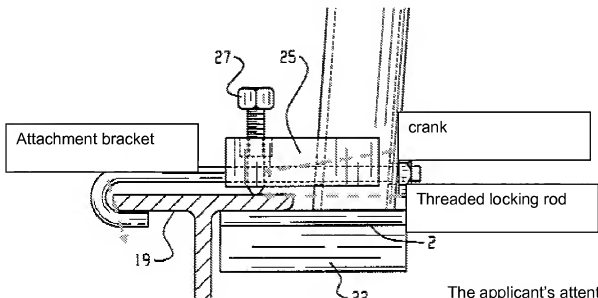
Claims 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paterson (6036146). Paterson further discloses a safety restraint device as claimed in Claim 10 additionally comprising a threaded locking rod 27, operatively connected to at least one of said attachment brackets 28,32, and a crank, connected to one end of said locking rod, so that turning of the crank results in relative movement of said attachment brackets. It is further obvious in view of the structure as advanced above to use the safety restraint system as claimed i.e., attaching a first and second base rod and frame members, mounting and extending a static line, while producing no new and unexpected results

Response to Arguments

Applicant's arguments filed 4/28/09 have been fully considered but they are not persuasive. The applicant's attention is drawn to pages 6 and 7 of the remarks. The applicant states the Paterson device "28" is not a releasable mounting device in the terminology of the present invention. As interpreted by the examiner, the device '28' of Paterson is clearly releasable when the locking pin 27 and nut 29 are unscrewed, therefore releasing the device from the I-beam. The applicant states the Paterson device "19" is not an accessory for attachment to the releasable mounting device. The examiner would like to note that as stated on page 5 of the specification of the claimed invention the accessory can be chosen from a wide variety of devices. The applicant

states that the main distinction over the Patterson reference is that it is only directed to use in a single application. However the examiner does not see where the applicant has claimed that the invention has multiple applications. The applicant's attention is drawn to page 8 of the remarks. The applicant states the Paterson reference does not describe interchangeable devices that can be attached to a releasable mounting device. The examiner would like to note that the applicant claims ONE or more removable interchangeable devices, which is clearly taught by Paterson. The accessory 19, of Paterson can clearly be released (by unscrewing) and therefore interchanged when released. It should be noted that only one accessory is required by the claim. The applicant states the Paterson reference does not show a ratchet assembly, but merely a locking pin. The examiner would like to note that a ratchet assembly is not defined in the specification or shown in the drawings. The specification discloses a locking mechanism which is said to not be shown. The specification does not state that a ratchet is the only locking mechanism that can be use. The examiner would like to not that a locking mechanism is clearly disclosed within the Paterson reference. Also the examiner would like to note that the term "rachet" seems to be misspelled. The applicant states the examiner has confused the releasable mounting devices with the attachment devices used to hold the base rod in position on the frame member. The examiner would like to clarify that elements 22 and 28 are used in the Paterson reference to mount the accessory. The applicant states the Paterson reference only discloses the use of a winch, not the other features stated in claims 8 and 12. As interpreted by the examiner as claimed only one of the elements listed in claim 8 are

required. The claim reads, "A safety restraint device as claimed in Claim 1 where in said accessory is a winch assembly, a ladder, a light, a sign, a radio, a handrail, a platform, *or* a suspended platform." The applicant's attention is drawn to page 9 of the remarks. The applicant states the lock pin 49, of Paterson is not used to hold the accessory in place on the releasable mounting device, as required by claim 9. The examiner would first like to state that the claim 9 only requires the accessory to be attached to the releasable mounting device using a lock pin. As best seen in Figure 2, the lock pin 27, clearly holds the accessory 19, 17 on the releasable mounting device 22. The applicant's attention is drawn to page 10 of the remarks. The applicant states the locking rod "27" of Paterson is merely a clamping bolt and it is not operatively connected to a crank to move the attachment bracket. As interpreted by the examiner the threaded element 27 of Paterson clearly locks the accessory in place.



drawn to page 11 of the remarks. The applicant states the methods of establishing a

static line of Paterson relies on stanchions. The examiner would like to note that stanchions are vertical rods as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CANDACE L. BRADFORD** whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace L. Bradford
Patent Examiner
Art Unit 3634
July 30, 2009

/Alvin C. Chin-Shue/
Primary Examiner, Art Unit 3634